

Laws of Her Majesty's Province of Upper Canada, passed in the year 1849. Montreal: Stewart Derbyshire & George Desbarats, 1849.

12 Victoria – Chapter 101

An Act to appoint Commissioners to define the Boundary Line between the Township of Walpole, in the Niagara District, and the Township of Woodhouse, in the Talbot District. 30th May, 1849.

Whereas certain persons, inhabitants of the Township of Walpole, in the County of Haldimand, and of the Township of Woodhouse, in the County of Norfolk, have by their petition set forth that the Boundary or Town Line between the said Townships, is in dispute, owing to their having been two lines in part laid down in the field, and differing materially from each other, and have prayed that the course of the line between the said Townships may be established under the authority of the Legislature; And whereas it would be of manifest advantage to the inhabitants of the said Townships, and would prevent litigation if the said line were so established: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intituled, *An Act to re-unite the Provinces of Upper and Lower Canada, and for the Government of Canada*, and it is hereby enacted by the authority of the same, That the Commissioner of Crown Lands for the time being, James R. Fell, of Chippawa, County of Welland, and Charles Rankin, of Toronto, Deputy Provincial Surveyors, are hereby appointed Commissioners for the purposes of this Act, and are authorized to proceed some time in the months of June, July or August next, to the land and boundary mentioned in the Preamble to this Act, and then and there to determine the same as between the said Townships of Walpole and Woodhouse.

II. And be it enacted, That it shall and may be lawful for the said Commissioners, for the purposes aforesaid, to make entry on any or all of the farms or lands of any of Her Majesty's subjects, lying and being contiguous or near to the said disputed line, where it may be necessary to make any such examination and survey as aforesaid, and to place any posts or marks thereon for the purposes of this Act, without being liable to any action at law as trespassers.

III. And be it enacted, That it shall and may be lawful for the said Commissioners, and they are hereby required, well and truly to enquire into all matters of fact necessary for directing their judgment as to their award, and by all such lawful ways and means as are incident to a Court of civil jurisdiction, to compel attendance and appearance of witnesses necessary in the investigation and the production before them of all or any deeds, books, maps, diagrams or other documents or evidence in any way relating to the matters in controversy, as well as to tender and administer to such witnesses any oath or oaths pertinent to the subject matter.

IV. And be it enacted, That so soon as the said Commissioners shall have determined the boundary line between the said Townships, they shall cause a report and plan to be drawn up in

quadruplicate under their hands and seals, describing and defining the said boundary line, and shall deposit one copy thereof with the Registrar of the County of Norfolk, another with the Registrar of the County of Haldimand, the third in the Office of the Commissioner of Crown Lands, and the fourth in the Court of Queen's Bench in Toronto; and the decision of the said Commissioners with respect to the said boundary line shall be final, provided the Court of Queen's Bench shall not be moved thereon within six months after the same shall have been filed with the said Court by the said Commissioners: Provided always, that the said Commissioners shall cause stone boundaries to be placed on the said boundary line at such points as they shall deem necessary.

V. And be it enacted, That in case the said Commissioners, or any one or more of them, shall die or shall decline to act, or become incapable of acting, it shall be lawful for the Governor of this Province to appoint another or others to act in his or their stead.

VI. And be it enacted, That it shall and may be lawful for the said Commissioners, except the Commissioner of Crown Lands, to receive for each and every day they may be employed in carrying out the provisions of this Act, the sum of twenty shillings currency and also the expenses by them necessarily incurred for the purposes of this Act, to be paid one half out of the funds of the Talbot District and one half out of those of the Niagara District, upon an order under the hand of the Chairman of the Quarter Sessions for the time being, directed to the Treasurers of the said Districts respectively.

VII. And be it enacted, That any two of the Commissioners under this Act may exercise any or all of the powers hereby vested in the said Commissioners, and any award made or other thing done by any two of them, shall have the same force and effect as if made or done by the three Commissioners; any thing herein to the contrary notwithstanding.

VIII. And be it enacted, That this Act shall be a Public Act.